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Uber Technologies, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**DILLON MALIN,**

Plaintiff,

v.

**UBER TECHNOLOGIES, INC., AND  
CHECKR, INC.**

Defendants.

Case No. 4:19-cv-07788-HSG

**CLASS ACTION**

**JOINT STIPULATION AND REQUEST  
FOR AN ORDER TO STAY ACTION  
PENDING ARBITRATION; ORDER (as  
modified)**

1 IT IS HEREBY STIPULATED by and between Plaintiff DILLON MALIN (“Plaintiff”)  
2 and Defendants UBER TECHNOLOGIES, INC. (“Uber”) (collectively, “the Parties”), by and  
3 through their attorneys of record, as follows:

4 WHEREAS, on November 27, 2019, Plaintiff filed his initial complaint against Uber and  
5 Checkr, Inc. (ECF No. 1);

6 WHEREAS, on December 23, 2019, Plaintiff filed an Amended Complaint (ECF No. 7);

7 WHEREAS, on March 5, 2020, Plaintiff filed a voluntary dismissal of Check, Inc. –  
8 leaving Uber as the sole defendant (ECF No. 25);

9 WHEREAS, on March 24, 2020, Uber filed a motion to compel arbitration (ECF No. 31  
10 (the “Motion”))

11 WHEREAS, on January 25, 2021, the Parties jointly requested a stay of these  
12 proceedings pending the Ninth Circuit’s decision in *Capriole, et al. v. Uber Technologies, Inc.,*  
13 *et al.*, United States Court of Appeals, Ninth Circuit, Case No. 20-16030 (decision filed for  
14 publication on August 2, 2021), which this Court granted on January 26, 2021 (ECF No. 55);

15 WHEREAS, on August 2, 2021, the Ninth Circuit issued its decision in *Capriole*, and the  
16 Parties met and conferred regarding the impact of that decision on this matter, pursuant to this  
17 Court’s order (ECF No. 55);

18 WHEREAS, in light of the arbitration agreement and the *Capriole* decision, the Parties  
19 agree that this judicial action shall be submitted to arbitration, stayed pending the outcome of  
20 arbitration, and request that the Court issue such a stay;

21 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED:**

22 1. Plaintiff shall submit his claims in this lawsuit to arbitration pursuant to the terms  
23 of the arbitration agreement.

24 2. This action shall be stayed pending the outcome of the arbitration.

3. The Parties shall file a joint status report with this Court within seven (7) days of receiving the arbitrator's decision.

Dated: August 20, 2021

FRANCIS MAILMAN SOUMILAS, P.C.

/s/ Erika Heath

Erika Angelos Heath

Attorney for Plaintiff and the Proposed Classes

Dated: August , 2021

LITTLER MENDELSON, P.C.

/s/ Christopher Dengler

Christopher Dengler

Attorney for Defendant

UBER TECHNOLOGIES, INC.

**L.R. 5-1 Attestation**

Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Erika A. Heath, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 20th day of August, 2021, at San Francisco, California.

By: /s/ Erika Heath


Erika Angelos Heath

**ORDER**

Having read the foregoing stipulation and agreement of the Parties, and for good cause appearing, IT IS SO ORDERED THAT,

1. Plaintiff shall submit his claims in this lawsuit to arbitration pursuant to the terms of the arbitration agreement.
2. This action shall be stayed pending the outcome of the arbitration.
3. The Parties shall file a joint status report with this Court within seven (7) days of receiving the arbitrator's decision.
4. The Court directs the parties to provide joint status reports, of no more than two pages, regarding the status of the arbitration proceedings. The parties shall file the joint status reports every six months from the date of this order.
5. This Order terminates docket number 31 Motion to Compel Arbitration as moot.

Dated: August 23, 2021

  
HON. HAYWOOD S. GILLIAM, JR.  
U.S. DISTRICT JUDGE